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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 12-00410 RMW
)	
Plaintiff,)	UNITED STATES' MOTION TO ADMIT
)	REDACTED VERSION OF PORTIONS OF PLEA
v.)	AGREEMENT OF CO-DEFENDANT SAM
)	STAFFORD
MELVIN RUSSELL "RUSTY" SHIELDS,)	
AND MICHAEL SIMS)	
Defendants.)	

The United States of America hereby moves to be permitted to admit into evidence a redacted version of portions of co-defendant Sam Stafford's plea agreement he referenced during his testimony.

In the Ninth Circuit, the government is permitted to introduce an unredacted copy of a testifying co-defendant's plea agreement into evidence - including its "truthful testimony" provisions - but only after the witness' credibility has been attacked because of the plea bargain. *United States v. Monroe*, 943 F.2d 1007, 1013-1014 (9th Cir. 1991); *United States v. Necoechea*, 986 F.2d 1273, 1280 (9th Cir. 1993); *United States v. Shapiro*, 879 F.2d 468, 472-473 (9th Cir. 1989); *see also United States v. Schoneberg*, 396 F.3d 1036, 1043, fn.13 (9th Cir. 2005). In this regard, the prosecutor may expressly ask the witness about such "truthful testimony" provisions without constituting impermissible vouching

1 for the credibility of the witness. *Monroe, id.*

2 Here, defense counsel on cross-examination and re-cross-examination repeatedly attacked Mr.
3 Stafford's credibility as to his testimony on direct examination by reference to and discussion of his plea
4 agreement. Furthermore, defense counsel also repeatedly cited Mr. Stafford's plea agreement in cross-
5 examination, including on several occasions reading from selected portions of that document. Under
6 these circumstances, it is appropriate for, at minimum, a redacted version of the plea agreement to be
7 made available to the jury for (1) its probative value; (2) to reduce juror confusion; and (3) under the
8 Rule of Completeness.

9 A redacted version of the Mr. Stafford's Plea Agreement, previously marked as Government
10 Exhibit 764, is attached hereto. The Government respectfully moves this redacted version into evidence.

11 DATED: December 17, 2013

Respectfully submitted,

12 MELINDA L. HAAG
13 United States Attorney

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15 /s/ JOSEPH FAZIOLI
16 TIMOTHY LUCEY
17 Assistant United States Attorneys
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